

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
ex rel. CASSIE BASS,
and STATE OF MICHIGAN,

Case No. 2:08cv13827

Plaintiffs,

Hon. John Corbett O'Meara
United States District Judge

v.

WALGREEN CO., d/b/a WALGREENS
PHARMACY, a foreign corporation,

Defendant.

ORDER

Upon consideration of the United States' Notice of Intervention and Federal Settlement and Request for Partial Dismissal, it is hereby IT IS ORDERED that,

1. the relator's Complaint, the United States' Notice of Intervention and Federal Settlement and Request for Partial Dismissal, and this Order be unsealed;
2. all other papers or Orders on file in this matter shall remain under seal;
3. the seal shall be lifted on all matters occurring in this action after the date of this Order;
4. the Request for Partial Dismissal is approved and the above-captioned action ("this action") is hereby partially dismissed as follows:
 - a. all claims under the federal False Claims Act, 31 U.S.C. §§ 3729, et seq., against Walgreens are dismissed with prejudice as to the relator, Cassie Bass;
 - b. the following claims are dismissed with prejudice as to the United States:

all civil or monetary claims against Walgreens that the United States has under the False Claims Act, 31 U.S.C. §§ 3729-3733; the Civil Monetary Penalties Law, 42 U.S.C. § 1320a-7a; the Program Fraud Civil Remedies Act, 31 U.S.C. §§3801-3812; or the common law theories of payment by mistake, unjust enrichment, and fraud for the following conduct:

Walgreens's allegedly offering and/or providing improper inducements, in the form of gift cards, gift checks, and similar promotions, to the beneficiaries of four government health plans (the Medicare Program (Medicare), Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395, et seq.; the Medicaid Program (Medicaid), Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 - 1396w-5; the TRICARE Program, 10 U.S.C. §§ 1071-1110a; and the FEHBP, 5 U.S.C. §§ 8901-8914) in order to influence the beneficiaries' decision to transfer prescriptions to Walgreens pharmacies between January 1, 2005 and June 11, 2010; and

c. all other claims that the United States has against Walgreens are dismissed without prejudice as to the United States.

5. the claims under the Michigan False Claims Act are not dismissed by this Order;

6. the Court shall retain jurisdiction over this matter to enforce the terms of the settlement agreement between the parties.

Date: April 16, 2012

s/John Corbett O'Meara
United States District Judge